

08-29-02

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit:

Examiner:

Applicants: Salvatore J. Folino et al.

Serial No: 09/913,233

Filing Date: August 10, 2001

For: GASKET INSTALLATION APPARATUS

RECEIVED
04 SEP 2002
Legal Counsel
International Division

RENEWED PETITION UNDER 37 C.F.R. § 1.47(b)

RECEIVED

AUG 30 2002

Assistant Commissioner for Patents
Washington, DC 20231

OFFICE OF PETITIONS

Dear Sir:

In response to the Decision on Petition mailed March 28, 2002, Applicant hereby requests the Assistant Commissioner to reconsider the petition to treat the sole inventor as hostile for refusing to forward the executed Declaration/Power of Attorney under 37 CFR §1.63 to the office of the undersigned for eventual filing with the United States Patent and Trademark Office. Applicant also requests the non-statutory period for the response to the decision to be extended three months beyond the two-month period. Sufficient funds are enclosed herewith through authorization to charge the deposit account of the undersigned.

The facts surrounding the unsigned Declaration/Power of Attorney are as follows:

1. The inventors, Messrs. Salvatore J. Folino, Peter Vert and Cecil Beaman ("the Inventors") invented a gasket installation apparatus. This was the subject

matter of a United States provisional patent application having a serial number of 60/119,390 and a filing date of February 10, 1999.

2. The Inventors assigned all right, title and interest in and to the above-mentioned provisional patent application, as evidenced by an assignment (Attachment 1).

3. A PCT patent application having an International Application Number PCT/CA00/00128, was filed on February 10, 2000. This PCT patent application claims priority to the above provisional patent application. See the publication notice attached hereto (Attachment 2).

4. The above-captioned patent application, having a United States serial number 09/913,233 and a filing date of August 10, 2001 was filed claiming priority to the originally filed provisional patent application through the above-identified PCT patent application. This is evidenced by the Declaration/Power of Attorney for the above-captioned patent application for which this petition has been prepared and filed (Attachment 3).

5. Mr. Vert executed a Declaration/Power of Attorney under 37 C.F.R. § 1.497 on September 19, 2001 for the above-captioned patent application. Mr. Beauman executed a Declaration/Power of Attorney under 37 C.F.R. § 1.497 on September 25, 2001 for the same patent application. Both inventors signed the Declaration/Power of Attorney on their own behalf and on the behalf of Mr. Folino (Attachment 4).

6. On September 25, 2001, Mr. Jeffrey T. Imai, Chief Patent Counsel at Magna International, Inc. (the parent company of Tesma International, Inc.) sent a

copy of the patent application and a copy of the Declaration/Power of Attorney under 37 C.F.R. § 1.497 to Mr. Folino's home address (Attachment 5) as set forth in a declaration (Attachment 8).

7. Mr. Folino did not respond to the September 25, 2001 letter nor did Mr. Folino execute and return the Declaration/Power of Attorney.

8. Ms. Jo-Ann Percy, assistant to Mr. Imai, has repeatedly contacted Mr. Folino requesting he execute the Declaration/Power of Attorney. Ms. Percy has contacted Mr. Folino several times via telephone and has forwarded the Declaration/Power of Attorney and a copy of the patent application electronically via email (Attachment 6) as set forth in a declaration, (Attachment 9).

9. As examples, Ms. Percy forwarded the documents to him via email on August 27, 2002 and on August 21, 2002, (Attachments 6 and 7, respectively).

10. Ms. Percy has talked with Mr. Folino on several occasions. Mr. Folino has said he would not sign the Declaration/Power of Attorney even after it was explained to him that he has already assigned the patent application to his former employer. Therefore, Mr. Folino has refused to execute the document. The assignee of the patent application has attempted to get Mr. Folino's cooperation and, in taking every opportunity to elicit such cooperation, has accepted paying three months of extensions to facilitate Mr. Folino's execution of the document. Mr. Folino's statements and actions indicate, however, that no cooperation will be given.

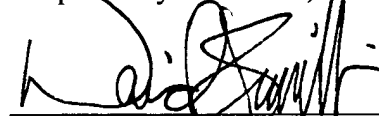
Mr. Folino's home address is 64 Center Avenue, Willowdale, Ontario, Canada

M2M 2L5. Applicant respectfully requests that the Assistant Commissioner accept the efforts of the Applicant and allow the Applicant to prosecute the patent application to its best ability as the patent application is an asset of the Applicant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this Petition is directed.

Applicant encloses fees in the amount of \$920 for a three-month extension. The Commissioner is hereby authorized to charge any overpayment or underpayment of the above fees associated with this Communication to Deposit Account No. 50-1759. A duplicate copy of this form is enclosed.

Respectfully submitted,



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(313) 965-8300

Date:

28 Aug 02
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